

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SAMUEL GOODALL,

Plaintiff,

vs.

SANDI JACOBSON, and DENNIS
WEAVER,

Defendants.

NO. CV-08-5023-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
COMPLAINT IN PART WITH PREJUDICE

Magistrate Judge Imbrogno filed a Report and Recommendation on May 28, 2008, recommending the Complaint against Defendant Washington State Penitentiary be **DISMISSED in part with prejudice** as this Defendant is not a "person" within the meaning of 42 U.S.C. § 1983. See *Will v. Michigan Dept. of State Police*, 491 U.S. 58, 70 (1989). There being no objections, the court **ADOPTS** the Report and Recommendation. The Complaint is **DISMISSED in part with prejudice** as to Plaintiff's claims against the Washington State Penitentiary. **IT IS ORDERED** the District Court Executive shall **TERMINATE** Washington State Penitentiary as a Defendant to this action.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, forward a copy to Plaintiff, and forward the file to Magistrate Judge Imbrogno for consideration of Plaintiff's pending ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING COMPLAINT IN PART WITH PREJUDICE -- 1

1 motions for an extension of time and to amend.

2 **DATED** this 17th day of June 2008.

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4 s/ Fred Van Sickle

5 FRED VAN SICKLE
6 SENIOR UNITED STATES DISTRICT JUDGE
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